

editorial comment, in the widely read *Niles Weekly Register* and in other periodicals. Journalism in the antebellum period rarely measured up to modern standards of impartiality; indeed, most newspapers were openly partisan. Consequently, Ross managed to get fairly good coverage for his position in the anti-Jackson Whig press.

How good a deal did Ross believe the Cherokees got in the Treaty of New Echota? What were his specific objections to the terms of the treaty? Did Ross believe that the signatures of any group of Cherokees—authorized or unauthorized—could bind the Cherokees to the terms of a treaty? If not, how could a treaty be legitimately ratified? How did this compare to the United States' procedure for ratifying treaties? What do you think Ross meant when he demanded that Cherokees receive the "protection and privileges" of state law if they became citizens of the United States? How successfully do you think Ross believed Cherokees would assimilate into Anglo-American society if given the opportunity? What evidence did he give for Cherokee acculturation?

If you would like to know more about John Ross, who served the Cherokees as principal chief from 1828 to 1866, see Gary E. Moulton, *John Ross, Cherokee Chief* (Athens: University of Georgia Press, 1991). Moulton also has edited Ross's letters and other papers, including the entire text from which this excerpt is taken, and they have been published as *The Papers of Chief John Ross*, 2 vols. (Norman: University of Oklahoma Press, 1985).

JOHN ROSS

Letter in Answer to Inquiries from a Friend

July 2, 1836

I wish I could acquiesce in your impression, that a Treaty has been made, by which every difficulty between the Cherokees and the United States has been set at rest; but I must candidly say, that I know of no such Treaty. I do not mean to prophesy any similar troubles to those which have, in other cases, followed the failure to adjust dis-



Figure 8. *John Ross (1790–1866).*

Principal chief of the Cherokees from 1828 until his death in 1866, John Ross steadfastly opposed removal. In the summer of 1838, with his people dying in stockades, Ross finally gave in to the United States government. He persuaded the United States to permit the Cherokees to remove themselves, and with the aid of his brother he arranged and supervised removal.

Source: National Anthropological Archives, Smithsonian Institution (988-B).

puted points with Indians; the Cherokees act on a principle preventing apprehensions of that nature—their principle is, “endure and forbear;” but I must distinctly declare to you that I believe, the document [Treaty of New Echota] signed by unauthorized individuals at Washington, will never be regarded by the Cherokee nation as a Treaty. The delegation appointed by the people to make a Treaty, have protested against that instrument “as deceptive to the world and a fraud upon the Cherokee people.” You say you do *not* see my name appended to the paper in question, but that you regard the omission as a

typographical mistake, because you *do* find my name among those who are mentioned in it as the future directors of Cherokee affairs.

I will answer these points separately: and, first,

My name is not, by mistake, omitted among the signers of the paper in question; and the reasons why it is not affixed to that paper, are the following:

Neither myself nor any other member of the regular delegation to Washington, can, without violating our most sacred engagements, ever recognize that paper as a Treaty, by assenting to its terms, or the mode of its execution. They are entirely inconsistent with the views of the Cherokee people. Three times have the Cherokee people formally and openly rejected conditions substantially the same as these. We were commissioned by the people, under express injunctions, not to bind the nation to any such conditions. The delegation representing the Cherokees, have, therefore, officially rejected these conditions themselves, and have regularly protested before the Senate and House of Representatives, against their ratification. The Cherokee people, in two protests, the one signed by twelve thousand seven hundred and fourteen persons, and the other by three thousand two hundred and fifty persons, spoke for themselves against the Treaty, even previous to its rejection by those whom they had selected to speak for them.

With your impressions concerning the advantages secured by the subtle instrument in question, you will, no doubt, wonder at this opposition. But it possesses not the advantages you and others imagine; and that is the reason why it has encountered, and ever will encounter opposition. You suppose we are to be removed through it from a home, by circumstances rendered disagreeable and even untenable, to be secured in a better home, where nothing can disturb or dispossess us. *Here is the great mystification.* We are not secured in the new home promised to us. We are exposed to precisely the same miseries, from which, if this measure is enforced, the United States' power professes to relieve us, but does so entirely by the exercise of that power, against our will.

If we really had the security you and others suppose we have, we would not thus complain. But mark the truth and judge for yourself.

... For example. Suppose it should suit the policy of the United States, hereafter, to pass a law organizing a territorial government upon the Cherokee lands, west? That law necessarily destroys the character of the Cherokee nation as a distinct community; the nation becomes legally extinct; the lands revert to the United States, and the Cherokee people are bound, by assenting to the conditions of the pre-

tended Treaty, to acquiesce in this law providing a plausible pretext for their annihilation. And should they demur, what is the result? An article in the pretended Treaty expressly stipulates, that military posts, and military roads may, anywhere, and at any time, be established by the United States, in the new country, set apart for the Indians. Hence, any one who might complain of any act of the United States as unauthorized by the right construction of the pretended Treaty, would be as liable to ejection for the purpose of creating a military post at the malcontent's abode in the Cherokee country west—as now he actually is, and long has been, under similar circumstances, in the Cherokee part of Georgia—and were vexations to become universal, as they have in Georgia, the region might, in the same manner, be filled with soldiers, and the existence of the Cherokee nation become at once extinguished by laws to which the people will be said themselves to have assented. That there is no disposition ever to interfere thus, is attempted to be proved by reference to an article of the pretended Treaty, excluding intruders and white men; but this very article is clogged with a worse than neutralizing condition—a condition pregnant with sources of future disquiet—a condition that it is not to prevent the introduction of useful farmers, mechanics, and teachers, under which denomination some future Executive of the United States may find it convenient, hereafter, to overwhelm the original population, and bring about the Territorial Government, by which the Cherokees will be regarded as legally extinguished, and the country of their exile as *reverting* to its real proprietor, the United States. Thus will the favourite theory, which has been ascribed to the President [Andrew Jackson], be fully realized. This policy will *legislate the Indians off the land!*

That all these things are possible, is proved by the present posture of affairs in the region of our birth, our sacred inheritance from our fathers. It is but a few years, since the apprehension of scenes like those from which the United States acknowledges her incompetency to protect us, even under the pledge of Treaties, would have been regarded as a morbid dream. But a State has already been created on the boundary of the retreat set apart for the exile of the Indians—the State of Arkansas; another State, and an independent one—a new republic, made up of many of the old foes of the Indians—Texas, is rising on another boundary; and who shall say how soon these, and other new bordering states, may become as uneasy from the Indian neighbourhood, as the old ones are now? It was at one time thought that the United States never could declare she was unable to keep the

Treaties of former days. Is it less possible that she may hereafter experience the same difficulty in keeping those of the days in which we live? especially, as in the present instance, she may be called upon, not only to defend those Treaties from violation by her own citizens, but by the people, though of the same origin, belonging to a new, a warlike, an independent republic. . . .

I must here beg leave to observe that I have never yet been placed in a position which could render *my* individual decision conclusive upon any matters of this nature, nor could I ever wish for such responsibility. The Cherokee people are not "my people;" I am only one of their agents and their elected chief: It is I who serve under them, not they under me. At the time of the transaction to which you allude, the delegation, of which I was a member, had ample powers to make a treaty for a partial cession of the country, with security in the residue; but we had no authority for the extension of our discretionary power to any treaty for an entire sale of the country; such a suggestion was not contemplated by the people and it would consequently be impossible for us to decide upon such, without a reference to those who sent us. I myself was only one among many. I could not, by my single act, bind even my associates to any promise of an entire sale, nor of course to any *award*, even had such an *award* been made, for the amount to be paid for an entire sale; I could only, with them, submit such an offer, if made, to the people. . . .

In conclusion I would observe, that I still strongly hope we shall find ultimate justice from the good sense of the administration and of the people of the United States. I will not even yet believe that either the one or the other would wrong us with their eyes open. I am persuaded they have erred only in ignorance, and an ignorance forced upon them by the misrepresentation and artifices of the interested. . . . The Cherokees, under any circumstances, have no weapon to use but argument. If that should fail, they must submit, when their time shall come, in silence, but honest argument they cannot think will be forever used in vain. The Cherokee people will always hold themselves ready to respect a *real* treaty and bound to sustain any treaty which they can feel that they are bound to respect. But they are certain not to consider the attempt of a very few persons to sell the country for themselves, as obligatory upon them, and I and all my associates in the regular delegation, still look confidently to the effect of a sense of justice upon the American community, in producing a real settlement of this question, upon equitable terms and with competent authorities. But, on one point, you may be perfectly at rest.

Deeply as our people feel, I cannot suppose they will ever be goaded by those feelings to any acts of violence. No, sir. They have been too long inured to suffering without resistance, and they still look to the sympathies and not to the fears, of those who have them in their power. In certain recent discussions in the representative hall at Washington, our enemies made it an objection against me and against others, that we were not Indians, but had *the principles of white men*, and were consequently unworthy of a hearing in the Indian cause. I will own that it has been my pride, as Principal Chief of the Cherokees, to implant in the bosoms of the people, and to cherish in my own, *the principles of white men*! It is to this fact that our white neighbours must ascribe their safety under the smart of the wrongs we have suffered from them. It is in this they may confide for our continued patience. But when I speak of *the principles of white men*, I speak not of such principles as actuate those who talk thus to us, but of those mighty principles to which the United States owes her greatness and her liberty. To principles like these even yet we turn with confidence for redemption from our miseries. When Congress shall be less overwhelmed with business, no doubt, in some way, the matter may be brought to a reconsideration, and when the representatives of the American people have leisure to see how little it will cost them to be just, we are confident they will be true to themselves, in acting with good faith towards us. Be certain that while the Cherokees are endeavouring to obtain a more friendly consideration from the United States, they will not forget to show by their circumspection how well they merit it; and though no doubt there are many who will represent them otherwise, for injurious purposes, I can assure you that the white people have nothing to apprehend, even from our sense of contumely and unfairness, unless it be through the perverse and the treacherous manoeuvres of such agents as they themselves may keep among us.

THE TREATY PARTY'S DEFENSE

The Treaty Party smarted from the published attacks on it and struck back. The primary public defender of the Treaty of New Echota was Elias Boudinot, who had served as editor of the *Cherokee Phoenix* until 1832. His vituperative personal attack on Ross makes modern criticism of chief executives seem tame by comparison, but Boudinot felt that the Ross partisans had besmirched his good name and he struck back

in defense of his honor. Boudinot had a long career of service to the Nation, as did his uncle Major Ridge and his cousin John Ridge. The elder Ridge had been a member of the Lighthouse Guard (the Cherokee police force), treaty commissioner, delegate to Washington, ambassador to the Creek Indians, member and speaker of the Council, and co-chief with Ross in 1827–28. His son John had served as clerk of the Council, member and president of the Committee (the upper house in the Cherokee's bicameral legislature), and member of several delegations to Washington. Like Ross, the Ridges had deep roots in the Cherokee Nation and struggled to decide on the best course for their people. The absolute intransigence of Georgia, exhibited by the state's refusal to acknowledge the Supreme Court's decision and the legislature's increasingly oppressive measures, led them to decide that removal was unavoidable. The Cherokees as a people could survive only if they gave up the land. The true patriot, they believed, could not countenance their further suffering. The problem was convincing other Cherokees that removal was the only viable course left.

The absence of elections meant that little opportunity existed to hold a national referendum on removal generally or the Treaty of New Echota specifically. State laws had prohibited the Cherokee government from operating according to its constitution of 1827. Because elections could not be held, the Council extended the terms of office-holders through the duration of the crisis with Georgia. An election would have enabled candidates on either side of the issue to debate the merits of their respective positions. Without elections, no real forum existed. The *Cherokee Phoenix* had ceased publication in 1834, but as an official organ of the government, its columns had always been closed to debate. Other newspapers circulated in the Nation, but little Cherokee debate over removal took place in public. Consequently, the Cherokees were somewhat limited in the information available to them. Furthermore, Boudinot, a New England-educated intellectual, had serious misgivings about the ability of the majority of Cherokees to make a rational decision. His arrogance and condescension as well as his harsh comments about Ross, however, should not obscure his arguments in favor of negotiating a removal treaty.

What did Boudinot believe the outcome of a national Cherokee debate would have been? According to the previous document, *A Letter from John Ross*, what would the result have been? Who cited the best evidence? In what ways, both public and private, did Boudinot believe that Ross had abused his authority? How did Boudinot's depic-

tion of the Cherokees compare with that of Ross? How did it compare with that of Cass?

Boudinot published his pamphlet in Athens, Georgia, in 1837 as *Letters and Other Papers Relating to Cherokee Affairs: Being a Reply to Sundry Publications Authorized by John Ross*. In 1838 Wilson Lumpkin, a senator from 1837 to 1841, submitted it for publication as Senate Document 121, 25th Cong., 2nd sess.

ELIAS BOUDINOT

Letters and Other Papers Relating to Cherokee Affairs: Being a Reply to Sundry Publications by John Ross

1837

What is termed the "Cherokee question" may be considered in two points of view: the controversy with the States and the General Government, and the controversy among the Cherokees themselves. The first has been agitated in so many ways, and before so many tribunals, that it is needless, for any good purpose, to remark upon it at this place. The latter is founded upon the question of a remedy, to extricate the Cherokees from their difficulties, in consequence of their conflict with the States. Upon this point, less has been said or known before the public but it has not been the less interesting to the Cherokees. It is here where different views and different feelings have been excited.

"What is to be done?" was a natural inquiry, after we found that all our efforts to obtain redress from the General Government, *on the land of our fathers*, had been of no avail. The first rupture among ourselves was the moment we presumed to answer that question. To a portion of the Cherokee people it early became evident that the interest of their countrymen and the happiness of their posterity, depended upon an entire change of policy. Instead of contending uselessly against superior power, the only course left, was, to yield to circumstances over which they had no control.

In all difficulties of this kind, between the United States and the Cherokees, the only mode of settling them has been by treaties; consequently, when a portion of our people became convinced that no other measures would avail, they became the *advocates of a treaty*, as the only means to extricate the Cherokees from their perplexities; hence they were called *the treaty party*. Those who maintained the old policy, were known as the *anti-treaty party*. At the head of the latter has been Mr. John Ross.

It would be to no purpose now to describe these Indian political parties, or to enter into a particular history of the rise, progress, and the present state of the dissensions which have distracted the Cherokees. It is enough to say that our parties have been similar to other political parties found among the whites. They have been characterized by high feeling, and not unfrequently, by undue asperity. It is easy to conceive of the disadvantages under which the first mentioned party must have labored. To advocate a treaty was to declare war against the established habits of thinking peculiar to the aborigines. It was to come in contact with settled prejudices—with the deep rooted attachment for the soil of our forefathers. Aside from these natural obstacles, the influence of the chiefs, who were ready to take advantage of the well known feelings of the Cherokees, in reference to their lands, was put in active requisition against us. . . .

Without replying to these charges in this place, we will state what *we* suppose to be the great cause of our present difficulties—our present dissensions. A *want of proper information among the people*. We charge Mr. Ross with having deluded them with expectations incompatible with and injurious to, their interest. He has prevented the discussion of this interesting matter, by systematic measures, at a time when discussion was of the most vital importance. By that means the people have been kept ignorant of their true condition. They have been taught to feel and expect what *could not* be realized, and what Mr. Ross himself must have known *would not* be realized. This great delusion has lasted to this day. Now, in view of such a state of things, we cannot conceive of the acts of a *minority* to be so reprehensible or unjust as are represented by Mr. Ross. If one hundred persons are ignorant of their true situation, and are so completely blinded as not to see the destruction that awaits them, we can see strong reasons to justify the action of a minority of fifty persons to do what the majority *would do* if they understood their condition—to save a *nation* from political thralldom and moral degradation. It is not intended to discuss the question here, but simply to show that a great deal may be said on

both sides; besides, the reader will recollect that it is in reference to an Indian community, and to very extraordinary circumstances. . . .

According to a provision of the Cherokee constitution, the office of the principal chief and the members of the council are to be filled, the latter by election of the people, for two years, and the former by the general council, for four years. The last election held was in the month of August, of 1830, and the next was to have been held in 1832. In the same year, in the month of October, came the election, by the council, for the principal chief. On account of a law of the State of Georgia, there was no election held in August, 1832; and, consequently, the members of the council, who were, according to the constitution, to elect the principal chief in the month of October following, were not elected. In this state of things, the members of the council, whose term of service was about to expire, took the following measures, at a called council, held, I think, in the month of August. I will be short. They passed a resolution appointing twenty-four men, selected (by the council) from the Cherokee people then on the ground, the aggregate number of which did not *exceed* two hundred. These twenty-four men were required to meet, as the resolution expressed it, in *convention*. I claim to know something of this matter, because I was a member of the *convention*. Two propositions were introduced: 1. That the Cherokee Government should be continued, *as it was*, for two years. This was my proposition. 2. That the Cherokee Government should be continued, as it was, *while our difficulties lasted*. The latter prevailed, and it was sent to the council as the *advice* of the *convention*, which the council very gravely *accepted*, and referred to the people *on the ground* for their confirmation. The members of the council, the chiefs, and all, accordingly retained their seats after the expiration of their term of office prescribed in the constitution, and have retained them ever since.

Such is the simple history of this matter. For aught I know, this may be only a *modification* of the mode of fulfilling the Cherokee laws, although it has seemed to me to be an entire change of the principles of the Government. And by some new kind of construction it may be considered by *you* as the act of *the people*, although I can safely venture in the assertion, that three out of five do not even know, *to this day*, that such transactions ever transpired. And for aught I know you may hold your office by the *election of the people*, and may be their "elected chief," although there has been *no election* since the constitution, under which you cannot pretend to hold your present office. . . .

Again, it is a "fraud upon the world" to say that "upwards of fifteen

thousand Cherokees have protested against the treaty, solemnly declaring they will never acquiesce," and to produce before the world a paper containing that number of signatures. Let us see how this matter is. I will quote another sentence. "The Cherokee people, in two protests, the one signed by twelve thousand seven hundred and fourteen persons, and the other by three thousand two hundred and fifty persons, spoke for themselves against the treaty." In order to illustrate these, I take another from your memorial. "The Cherokee population has recently been reported by the War Department to be 18,000." Of these 18,000, there are upwards of 1,000 blacks, who, you will not allege, have been among the signers. Of the remaining sixteen or seventeen thousand, (for I have not the census before me,) upwards of 1,000, at the lowest estimate, had been registered for removal, none of whom, it is likely, would have signed any protest. Here are then about 15,000, probably less, to do what? To "*protest*," "*SOLEMNLY DECLARE*," to "*sign*," to *SPEAK FOR THEMSELVES* against the treaty! I must confess my impotency to unravel such a mystery as this. A *population* of 15,000 furnish 15,000 who are able and competent *to declare* and *to speak for themselves*! I suppose, however, we are required to believe it *implicitly*. This must indeed be a wise and precocious nation. Well may you say, "that owing to the intelligence of the Cherokee people, they have a correct knowledge of their own rights." . . .

To be sure, from your account of the condition and circumstances of the Cherokees, the public may form an idea different from what my remarks may seem to convey. When applied to a portion of our people, confined mostly to whites intermarried among us, and the descendants of whites, your account is probably correct, divesting it of all the exaggeration with which you have encircled it; but look at the mass, look at the entire population as it now is, and say, can you see any indication of a progressing improvement, anything that can encourage a philanthropist? You know that it is almost a dreary waste. I care not if I am accounted a slanderer of my country's reputation; every observing man in this nation knows that I speak the words of truth and soberness. In the light that I consider my countrymen, not as mere animals, and to judge of their happiness by their condition as such, which, to be sure, is bad enough, but as moral beings, to be affected for better or for worse by moral circumstances, I say their condition is wretched. Look, my dear sir, around you, and see the progress that vice and immorality have already made! see the spread of intemperance, and the wretchedness and misery it has already occasioned! I need not reason with a man of your sense and discernment, and of

your observation, to show the debasing character of that vice to our people; you will find an argument in every tipping shop in the country; you will find its cruel effects in the bloody tragedies that are frequently occurring in the frequent convictions and executions for murders, and in the tears and groans of the widows and fatherless, rendered homeless, naked, and hungry, by this vile curse of our race. And has it stopped its cruel ravages with the lower or poorer classes of our people? Are the higher orders, if I may so speak, left untainted? While there are honorable exceptions in all classes—a security for a future renovation under other circumstances—it is not to be denied that, as a people, we are making a rapid tendency to a general immorality and debasement. What more evidence do we need, to prove this general tendency, than the slow but sure insinuation of the lower vices into our female population? Oh! it is heart-rending to think of these things, much more to speak of them; but the world *will* know them, the world *does* know them, and we need not try to hide our shame.

Now, sir, can you say that in all this the Cherokees had not *suffered* one half what their country was worth? Can you presume to be spending your whole time in opposing *a* treaty, then in trying, as you say, to make a *better* treaty, that is to get more money, a full compensation for your gold mines, your marble quarries, your forests, your water courses—I say, can you be doing all this while the canker is eating the very vitals of this nation? Perish your gold mines and your money, if, in the pursuit of them, the moral credit of this people, their happiness and their existence, are to be sacrificed!

If the dark picture which I have here drawn is a true one, and no candid person will say it is an exaggerated one, can we see a brighter prospect ahead? In another country, and under other circumstances, there is a *better* prospect. Removal, then, is the only remedy, the only *practicable* remedy. By it there *may be* finally a renovation; our people *may* rise from their very ashes, to become prosperous and happy, and a credit to our race. Such has been and is now my opinion, and under such a settled opinion I have acted in all this affair. My language has been; “fly for your lives;” it is now the same. I would say to my countrymen, you among the rest, fly from the moral pestilence that will finally destroy our nation.

What is the prospect in reference to *your* plan of relief, if you are understood at all to have any plan? It is dark and gloomy beyond description. Subject the Cherokees to the laws of the States in their present condition? It matters not how favorable those laws may be,

instead of remedying the evil you would only rivet the chains and fasten the manacles of their servitude and degradation. The final destiny of our race, under such circumstances, is too revolting to think of. Its course *must* be downward, until it finally becomes extinct or is merged in another race, more ignoble and more detested. Take my word for it, it is the sure consummation, if you succeed in preventing the removal of your people. The time will come when there will be only here and there those who can be called upon to sign a protest, or to vote against a treaty for their removal; when the few remnants of our once happy and improving nation will be viewed by posterity with curious and gazing interest, as relics of a brave and noble race. Are our people destined to such a catastrophe? Are we to run the race of all our brethren who have gone before us, and of whom hardly any thing is known but their name, and, perhaps, only here and there a solitary being, waking, "as a ghost over the ashes of his fathers," to remind a stranger that such a race *once* existed? May God preserve us from such a destiny.